

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ROBERT N. HARRINGTON, JR.)
Plaintiff)
)
v.)
)
JAMES M. KREIDLER, JR. and)
THE TOWN OF WINCHENDON)
Defendants)

CASE NO.: 05-40115 FDS

**AFFIDAVIT OF L. RICHARD LECLAIR, III IN SUPPORT OF
PLAINTIFF'S MOTION FOR ASSESMENT OF ATTORNEY'S
FEES AND COSTS**

I, L. Richard LeClair, III, hereby depose and state as follows:

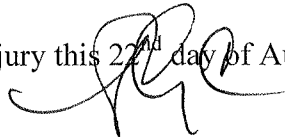
1. My name is L. Richard LeClair, III.
2. I represent the Plaintiff, Robert N. Harrington, Jr., and have represented him throughout this case.
3. I was admitted to practice law in the Commonwealth of Massachusetts on December 15, 1992 and to the United States District Court for District of Massachusetts on September 24, 1993. I am also admitted to the United States District Court for the District of Connecticut.
4. Since being admitted to the bar, I estimate that 50% of my practice has been dedicated to litigation matters. I have tried case cases in all of the Trial Courts of the Commonwealth of Massachusetts (District Court, Land Court, Probate Court, and Superior Court.) I have been lead counsel in a number matters in the United States District Court for the District of Massachusetts and have appeared in the United States District Court for District of

California and the District of Connecticut. I have appeared in the state courts for the State of California and the State of Rhode Island.

5. In addition to my trial practice, I have argued a number of cases before the Massachusetts Appeals Court.
6. My current hourly rate for litigation matters of the nature of this case is \$250.00 per hour.
7. Based upon my experience, I believe that an hourly rate of \$250.00 for the work I performed in this case is fair and reasonable and is in line with rates charged by lawyers with similar skills and experience.
8. Attached hereto as Exhibit "A" is a breakdown of the work I performed on behalf of the Plaintiff in this action.
9. I believe that the hours I spent in this case were reasonable in light of complex legal and factual issues.
10. In connection with this case, I personally reviewed, organized and cataloged approximately 5,000 pages of documents.
11. In connection with this case, I reviewed and studied, on more than one occasion, over 2,500 pages of transcripts from related administrative hearings.
12. I attended seven days of deposition and conducted depositions of five individuals.
13. In addition to conducting depositions, I conducted extensive informal discovery in this case, including document review, interviewing potential witnesses and reviewing newspaper articles and court records.
14. I performed at least 354.80 hours in preparing this case and in representing Robert N. Harrington, Jr. The fair and reasonable value of my time in this case is \$88,700.00.

15. My secretary/paralegal spent 19.30 hours in preparing this case. My secretary/paralegal has over fifteen (15) years experience and her usual rate of \$75.00 is fair and reasonable. The fair and reasonable value of my secretary's time in this case is \$1,447.50
16. As set forth in the breakdown attached hereto, I incurred \$9,673.40 in costs in litigating this matter.
17. The fair and reasonable value of the time and expenses incurred by me and my assistant in prosecuting this action is \$99,820.90.
18. I anticipate spending another forty (40) hours prosecuting my client's equitable remedies and responding to the Defendants' post-trial motions. I anticipate incurring another \$10,000.00 in performing this work.

Signed under the pains and penalties of perjury this 22nd day of August, 2008.



L. Richard LeClair, III, Esq.
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LeClair & LeClair, P.C.
 707 Main Street
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Date: 8/21/2008

Robert Harrington
 200 Hall Road
 Winchendon, MA 01475

Regarding: Harrington, Robert v. Town of Winchen
 Invoice No: 00067

Services Rendered

Date	Staff	Description	Hours	Rate	Charges
6/10/2005	LRL	Review file; legal research on various causes of action.	3.50	\$250.00	\$875.00
6/12/2005	LRL	Legal research on various causes of action and governmental immunity.	4.50	\$250.00	\$1,125.00
7/11/2005	LRL	Review file; legal research on civil rights claims; begin drafting complaint.	1.50	\$250.00	\$375.00
7/12/2005	LRL	Draft complaint and civil action cover sheet.	3.80	\$250.00	\$950.00
7/14/2005	LRL	Telephone conference with Mike Akerson.	0.70	\$250.00	\$175.00
10/26/2005	LRL	Review defendants' motion for extension.	0.20	\$250.00	\$50.00
10/31/2005	LRL	Draft letter to Civil Clerk enclosing returns of service.	0.40	\$250.00	\$100.00
11/23/2005	LRL	Review defendants' answer to plaintiff's complaint.	0.20	\$250.00	\$50.00
1/09/2006	LRL	Draft, file and serve Joint Statement of Counsel in Regards to Scheduling and Rule 16.1(D)(3) Certification.	1.70	\$250.00	\$425.00
1/10/2006	LRL	Travel and appearance at the United States District Court in Worcester for status conference and update file.	2.50	\$250.00	\$625.00
2/17/2006	LRL	Draft file and serve Plaintiff's Automatic Disclosure	1.50	\$250.00	\$375.00

Pursuant to Rule 26.

2/18/2006	LRL	Review Defendants' Rule 26 disclosures and documents.	2.00	\$250.00	\$500.00
3/17/2006	LRL	Review file; draft file and serve plaintiff's first set of interrogatories and first set of document requests to Town of Winchendon and James Kreidler.	4.20	\$250.00	\$1,050.00
6/30/2006	LRL	Meeting in office with Robert Harrington and Mike Akerson.	1.00	\$250.00	\$250.00
7/06/2006	LRL	Review settlement proposal from Mike Akerson to Marc Terry.	0.20	\$250.00	\$50.00
9/11/2006	LRL	Review Defendants' responses to plaintiff's document requests.	0.20	\$250.00	\$50.00
11/01/2006	LRL	Review Defendants' answers to interrogatories.	0.50	\$250.00	\$125.00
11/12/2006	LRL	Draft email to Pam Fitzgerald.	0.10	\$250.00	\$25.00
12/19/2006	LRL	Review email from client.	0.10	\$250.00	\$25.00
1/15/2007	LRL	Meeting in office to review case and prepare discovery responses.	4.00	\$250.00	\$1,000.00
1/15/2007	LS	Photocopy various documents and prepare binders.	1.00	\$75.00	\$75.00
1/23/2007	LRL	Meeting in office to discuss case.	1.50	\$250.00	\$375.00
2/07/2007	LRL	Review file; answer interrogatories.	8.00	\$250.00	\$2,000.00
2/15/2007	LRL	Review deposition notices filed by the defendants.	0.30	\$250.00	\$75.00
2/28/2007	LRL	Review letter from Pamela Fitzgerald and documents produced by Heywood Hospital.	0.20	\$250.00	\$50.00
3/01/2007	LRL	Review court notices.	0.20	\$250.00	\$50.00
3/12/2007	LRL	Telephone conference with Occupation consultant.	0.20	\$250.00	\$50.00
3/16/2007	LRL	Review letter from Defense counsel and documents produced by Boundaries Therapy Center.	0.20	\$250.00	\$50.00

4/17/2007	LRL	Review letter from Pam Fitzgerald.	0.10	\$250.00	\$25.00
6/15/2007	LRL	Draft file and serve deposition notice on James Kreidler and Deposition Notices and subpoenas on Corey Bohan; Burton Gould; Germaine Brooks; Keith Barrows and Richard McAllister.	2.00	\$250.00	\$500.00
6/26/2007	LRL	Review letter from Tom Campbell.	0.10	\$250.00	\$25.00
7/02/2007	LRL	Respond to email to Pam Fitzgerald.	0.10	\$250.00	\$25.00
7/03/2007	LRL	Respond to email from Pam Fitzgerald regarding scheduling deposition.	0.10	\$250.00	\$25.00
7/12/2007	LRL	Review and respond to email from Pam Fitzgerald.	0.10	\$250.00	\$25.00
7/26/2007	LRL	Review of Civil Service Commission decision.	0.50	\$250.00	\$125.00
7/26/2007	LRL	Meeting with Pam Fitzgerald in office to review documents.	0.80	\$250.00	\$200.00
8/01/2007	LRL	Draft letter to Tom Campbell regarding deposition dates.	0.20	\$250.00	\$50.00
8/07/2007	LRL	Travel and appearance at deposition of Germaine Brooks and Richard McAllister.	5.50	\$250.00	\$1,375.00
8/13/2007	LRL	Meeting in office with client.	1.00	\$250.00	\$250.00
8/13/2007	LRL	Review letter from Tom Campbell.	0.10	\$250.00	\$25.00
8/14/2007	LRL	Review documents to be produced to the defendants.	3.50	\$250.00	\$875.00
8/15/2007	LRL	Review documents to be produced to the Defendants.	4.00	\$250.00	\$1,000.00
8/16/2007	LS	Review of documents to be produced; Bates stamp all documents; correspondence to Plaintiff's counsel with documents.	4.00	\$75.00	\$300.00
8/17/2007	LS	Review of documents to be produced; Bates stamp all documents; correspondence to Plaintiff's counsel with documents.	4.30	\$75.00	\$322.50
8/22/2007	LRL	Travel and appearance at deposition of Selectmen Barrows and Gould.	5.50	\$250.00	\$1,375.00

8/23/2007	LRL	Travel and appearance at deposition of Robert Harrington in Winchendon.	6.50	\$250.00	\$1,625.00
8/27/2007	LRL	Travel and appearance at deposition of R. Harrington.	7.00	\$250.00	\$1,750.00
8/30/2007	LRL	Review letter from Tom Campbell.	0.10	\$250.00	\$25.00
9/10/2007	LRL	Review errata sheets for Germaine Brooks.	0.10	\$250.00	\$25.00
9/21/2007	LRL	Review letter from Tom Campbell and supplemental discovery.	0.20	\$250.00	\$50.00
9/27/2007	LRL	Travel and appearance at deposition of James Kreidler in Winchendon.	7.50	\$250.00	\$1,875.00
10/26/2007	LRL	Travel and appearance at Federal Court in Worcester.	2.30	\$250.00	\$575.00
11/16/2007	LRL	Review letter from Tom Campbell regarding scheduling depositions.	0.10	\$250.00	\$25.00
11/16/2007	LRL	Travel and appearance in Worcester for status conference.	2.70	\$250.00	\$675.00
11/19/2007	LRL	Review of letter from Tom Campbell.	0.10	\$250.00	\$25.00
12/05/2007	LRL	Review letter from Tom Campbell regarding scheduling depositions.	0.10	\$250.00	\$25.00
1/08/2008	LRL	Draft letter to Tom Campbell regarding deposition dates.	0.20	\$250.00	\$50.00
1/15/2008	LRL	Travel and appearance at deposition of Robert Harrington at the Winchendon Town Hall.	8.00	\$250.00	\$2,000.00
1/16/2008	LRL	Travel and appearance at deposition of Robert Harrington.	9.50	\$250.00	\$2,375.00
2/14/2008	LRL	Travel and appearance at deposition of Jim Kreidler in Winchendon.	6.00	\$250.00	\$1,500.00
2/19/2008	LRL	Draft emails back and forth with Tom Campbell.	0.20	\$250.00	\$50.00
2/20/2008	LRL	Draft motion to extend deadline to file pre-trial memorandum; telephone conference with Tom Campbell.	0.80	\$250.00	\$200.00

2/21/2008	LRL	File motion to extend filing date.	0.30	\$250.00	\$75.00
2/23/2008	LRL	Review documents and prepare witness list.	3.50	\$250.00	\$875.00
2/24/2008	LRL	Review document in preparation of pre-trial memorandum.	7.00	\$250.00	\$1,750.00
2/25/2008	LS	Review and compile Exhibits	7.00	\$75.00	\$525.00
2/26/2008	LRL	Draft Joint Pre-Trial Memorandum.	3.50	\$250.00	\$875.00
2/26/2008	LS	Draft list of Exhibits	3.00	\$75.00	\$225.00
2/28/2008	LRL	Travel and appearance at final pretrial conference.	3.00	\$250.00	\$750.00
5/02/2008	LRL	Travel and appearance at status conference.	3.00	\$250.00	\$750.00
5/20/2008	LRL	Meeting with client in office.	5.00	\$250.00	\$1,250.00
5/21/2008	LRL	Review folder and prepare for trial.	6.50	\$250.00	\$1,625.00
5/22/2008	LRL	Telephone conferences with client; telephone conference with Sam Perkins; review documents in preparation of trial.	7.30	\$250.00	\$1,825.00
5/23/2008	LRL	Meeting with client.	0.70	\$250.00	\$175.00
5/23/2008	LRL	Review exhibits to prepare for trial; legal research.	6.50	\$250.00	\$1,625.00
5/24/2008	LRL	Trial preparation.	6.00	\$250.00	\$1,500.00
5/25/2008	LRL	Trial preparation.	4.50	\$250.00	\$1,125.00
5/26/2008	LRL	Legal research and trial preparation.	3.00	\$250.00	\$750.00
5/27/2008	LRL	Trial preparation.	12.00	\$250.00	\$3,000.00
5/28/2008	LRL	Trial preparation.	11.00	\$250.00	\$2,750.00
5/29/2008	LRL	Review letter from Mike Akerson to Sam Perkins.	0.30	\$250.00	\$75.00
5/30/2008	LRL	Review exhibits and prepare time line.	5.80	\$250.00	\$1,450.00

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5/31/2008	LRL	Trial preparation.	3.00	\$250.00	\$750.00
6/01/2008	LRL	Trial preparation.	6.00	\$250.00	\$1,500.00
6/02/2008	LRL	Trial preparation.	6.00	\$250.00	\$1,500.00
6/04/2008	LRL	Trial preparation;	7.00	\$250.00	\$1,750.00
6/04/2008	LRL	Travel and appearance at the final pre-trial conference.	3.00	\$250.00	\$750.00
6/05/2008	LRL	Trial preparation.	15.00	\$250.00	\$3,750.00
6/06/2008	LRL	Trial preparation.	10.00	\$250.00	\$2,500.00
6/07/2008	LRL	Trial preparation.	8.00	\$250.00	\$2,000.00
6/08/2008	LRL	Prepare for Trial.	4.00	\$250.00	\$1,000.00
6/09/2008	LRL	Travel and appearance at trial; prepare for next day.	10.00	\$250.00	\$2,500.00
6/10/2008	LRL	Travel and appearance at trial; prepare for next day.	10.00	\$250.00	\$2,500.00
6/11/2008	LRL	Travel and appearance at trial; prepare for next day.	9.00	\$250.00	\$2,250.00
6/12/2008	LRL	Travel and appearance at trial; prepare for next day.	9.50	\$250.00	\$2,375.00
6/13/2008	LRL	Travel and appearance at trial Worcester.	7.00	\$250.00	\$1,750.00
6/15/2008	LRL	Prepare for trial.	5.00	\$250.00	\$1,250.00
6/16/2008	LRL	Travel and appearance at trial in Worcester; legal research on First Amendment issues and jury instructions.	12.00	\$250.00	\$3,000.00
6/17/2008	LRL	Travel and appearance at trial; preparation for trial.	11.00	\$250.00	\$2,750.00
6/18/2008	LRL	Travel and appearance at trial.	9.00	\$250.00	\$2,250.00
7/21/2008	LRL	Travel and appearance at status conference.	3.00	\$250.00	\$750.00
Total Fees					\$90,147.50

Expenses

Start Date	Description	Quantity	Charges
7/12/2005	Filing Fee-United States District Court.	1.00	\$250.00
10/31/2005	Joseph Bryson-Service of Process on Defendants.	1.00	\$80.00
2/16/2006	Copying charges-Merrill Communications.	1.00	\$330.75
6/15/2007	Excel Courier-Delivery of documents to Attorney Campbell.	1.00	\$27.50
7/10/2007	Joseph Bryson-Service of Subpoenas.	1.00	\$585.00
8/16/2007	Photocopying documents produced to Plaintiff (1,316 originals)	1.00	\$69.30
8/16/2007	Excel Courier-Delivery of documents to Attorney Campbell.	1.00	\$39.50
8/17/2007	Excel Courier-Delivery of documents to Attorney Campbell.	1.00	\$37.50
8/17/2007	Copying of documents produced to the Defendants.	3,163.00	\$158.15
8/22/2007	Court Reporter for deposition of Keith Barrows.	1.00	\$125.00
8/24/2007	Court Reporter for depositions of Germain Brooks and Richard McAllister.	1.00	\$250.00
8/27/2007	Court Reporter for deposition of Burton Gould.	1.00	\$125.00
9/02/2007	Court Reporter for deposition of Robert Harrington.	1.00	\$583.80
9/05/2007	Court Reporter for deposition of Robert Harrington.	1.00	\$621.46
10/18/2007	Court Reporter for deposition of James M. Kreidler, Jr.	1.00	\$552.00
1/28/2008	Court Reporter for deposition of Robert Harrington.	1.00	\$533.10
2/01/2008	Court Reporter for deposition of Robert Harrington.	1.00	\$858.10
2/13/2008	Court Reporter for deposition of Rob Harrington.	1.00	\$1,391.20
2/23/2008	Court Reporter for depositions of Barrows, Kreidler and Gould.	1.00	\$802.00
2/27/2008	Court Reporter for deposition of James Kreidler, Jr. -- February 14, 2008	1.00	\$333.00

6/05/2008	Dividers for Exhibits.	1.00	\$38.00
6/06/2008	Joseph Bryson-Service of Subpoenas.	1.00	\$315.00
6/06/2008	Witness Fees/Mileage Reimbursement for Trial Subpoenas	1.00	\$956.00
6/09/2008	Joseph Bryson-Service of Trial to J. Loughlin.	1.00	\$50.00
6/10/2008	Joseph Bryson-Service of Trial Subpoena to K. Luddington.	1.00	\$50.00
6/10/2008	Joseph Bryson-Service of Trial Subpoena to J. Kreidler.	1.00	\$60.00
6/12/2008	Joseph Bryson-Service of Trial Subpoena to C. Bohan.	1.00	\$60.00
6/13/2008	Court Reporter for day 2 of trial.	1.00	\$392.04

Total Expenses	\$9,673.40
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Total New Charges	\$99,820.90
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Previous Balance	\$0.00
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Balance Due	\$99,820.90
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Staff Summary

Name	Hours	Rate
L. Richard LeClair III	354.80	\$250.00
Linda Slowe	19.30	\$75.00

Thank you for using LeClair & LeClair, P.C. for your legal needs.